

**Meeting of the Central Valley Flood Protection Board
August 27, 2010**

Committee Report

Title 23 Tier 1B Draft Revisions

Presented by Staff: Eric Butler, Curt Taras

Legal Counsel: Deborah Smith

Board Committee Members: Emma Suarez, Butch Hodgkins

Item

Title 23 Tier 1B Revisions of Board Regulations to conform to recent AB 1165 Legislation Including delegated authority to the Executive Officer, enforcement actions, ex-parte communications; and general policy changes

Background

In 2009, Assembly Bill 1165 amended the California Water Code related to flood protection. The Bill made changes in California Law to allow the Board to delegate, by regulation, authority to the Executive Officer to issue permits and conduct enforcement actions. As a result of this legislation, Board Staff has written proposed revisions to the California Code of Regulations, Title 23 Waters, Division 1 Central Valley Flood Protection Board. These revisions are identified as Tier 1 B revisions and are being prepared for the Board to submit to the Office of Administrative Law for publishing and public comment.

The draft Tier 1B regulations were last presented in the June 25th Board packet. Since then, the regulations committee has met for three phone discussions and staff have met for two regulation writing workshops. Board Staff Engineer Taras has also attended the Office of Administrative Law 3-day regulation writing training.

This work has resulted in legal reviewed draft language that has the following status:

Regulations Writing Status

Draft Regulations Regarding Delegated Authority - Ready for Committee.

Draft Regulations Regarding Ex- Parte Communications - Ready for Board

Draft Regulations Regarding Enforcement Actions – 2nd Round of Legal Review

Draft Regulations Regarding General Cleanup – Ready for Board